

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, ET AL.,

Plaintiffs,

v.

MARCO RUBIO, in his official capacity as
Secretary of State, and the DEPARTMENT OF
STATE, ET AL.,

Defendants.

No. 1:25-cv-10685-WGY

DEFENDANTS' MOTION FOR LEAVE TO
FILE SURREPLY IN OPPOSITION TO
PLAINTIFFS' MOTION TO DESIGNATE
DEPOSITION TRANSCRIPTS

Pursuant to Local Rule 7.1(b)(3), Defendants, by and through their counsel, move this Court for leave to file a surreply in opposition to Plaintiffs' July 22, 2025 reply in support of their motion to designate deposition transcripts. Dkt. No. 227. On July 28, 2025, Defendants' counsel conferred with counsel for Plaintiffs, who indicated that they oppose this motion.

A copy of the proposed surreply is attached hereto as Exhibit A. Defendants seek leave to file a surreply to respond to a new argument Plaintiffs raised for the first time in reply filed on July 22, 2025. *See* Dkt. No. 227. The argument relates to the applicability of Federal Rule of Civil Procedure 32(a)(3) and whether the deposition testimony they seek to introduce qualifies for a hearsay exception. *See* Exh. A at 1. Accordingly, Defendants respectfully request leave to file the attached surreply.

Respectfully submitted,

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Dated: July 28, 2025

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Date: July 28, 2025

By: /s/ *Ethan B. Kanter*
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